



Customer No. 30223

PATENT

2-13-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Douglas U. Mennie

Serial No.: 10/078,743

Atty Docket: 47171-00300USC2

Filed: February 19, 2002

Group Art: 3653

Title: METHOD AND APPARATUS FOR
DISCRIMINATING AND COUNTING
DOCUMENTS

Examiner: Kenneth W. Bower

SECOND INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: MS DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

2-16-04

Date

Signature

Dear Commissioner:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and the references listed on attached Form PTO-1449 be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.98(d), copies of the listed references are enclosed.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information disclosed is, or is considered to be, prior art with respect to the present application or material to patentability as defined in 37 C.F.R. §§ 1.56.

On October 1, 2002, Cummins-Allison Corp., assignee of the present application, sued Glory Ltd., Glory Shoji Co. Ltd., and Glory (U.S.A.), Inc., in the United States District Court for the Northern District of Illinois, Civil Action No. 02C-7008 (complaint listed as ref. G1)

for infringement concerning U.S. Pat. No. 6,459,806. The documents listed on the attached Form PTO-1449 as refs. G1-G94 are from this litigation. Accordingly, pursuant to 37 C.F.R. §1.98(3)(i), the relevance of any non-English references listed on the attached Form PTO-1449 from G1-G94 is that such references were identified by Glory in the above mentioned litigation. On June 13, 2003, an amended complaint was filed by Cummins-Allison Corp. in the above mentioned litigation (amended complaint listed as ref. G95) that added infringement concerning U.S. Pat. No. 5,295,196 to the litigation

The present Information Disclosure Statement is being submitted after the mailing of the first Office Action reflecting an examination on the merits but before the mailing of a Final Rejection or Notice of Allowance. Accordingly, in accordance with 37 C.F.R. § 1.97(c), a fee of \$180 is included herewith. If this check is inadvertently not enclosed, or is in error in amount, the Commissioner is authorized to charge any deficiency or to credit any over payment to Jenkens & Gilchrist Account No. 10-0447/47171-00300USC2.

Respectfully submitted,

2/6/2004

Date



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